

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

2W PRODUCT CORP.,

Plaintiff

-against-

Y&P WHOLESALE, INC. and TOMMY HUANG,
Defendants.

MEMORANDUM & ORDER

07-CV-0423 (ENV) (MDG)

VITALIANO, D.J.

Plaintiff filed the instant action on January 31, 2007. On February 23, 2009, the Court granted default judgment and referred the action to Magistrate Judge Marilyn Go to conduct an inquest. Judge Go scheduled a damages hearing for August 26, 2010, which was adjourned at plaintiff's request to September 30, 2010. On September 2, 2010, plaintiff notified Judge Go that it could no longer afford the costs of litigating the default action, especially since "any judgment would essentially be unenforceable as the defendants [had] vacated their premises, closed their business, and [were] long gone." Plaintiff requested that the Court award damages without conducting a hearing. In the alternative, if damages could not be awarded without a hearing, plaintiff sought to discontinue the action without prejudice.

In light of the foregoing, this action is discontinued without prejudice.

The Clerk is directed to close this case.

SO ORDERED.

DATED: Brooklyn, New York
January 26, 2011

s/ENV
ERIC N. VITALIANO
U.S.D.J.